

**THE EFFECTIVE DATE OF THIS ORDINANCE IS NOVEMBER 4, 2005**

**ORDINANCE NO. 05-28-389**

**RE: Amendment to Solid Waste Management Plan to Conform to  
Frederick County Code Section 2-13-3**

**PREAMBLE**

The Board of County Commissioners has determined to amend the Frederick County Solid Waste Management Plan (the "Plan") to conform with the provisions of Frederick County Code § 2-13-3.

Under §§ 2-13-3 and 2-13-5 of the Frederick County Code, which are public local laws enacted by the General Assembly and applicable in Frederick County, Maryland, the Board of County Commissioners may acquire, construct, operate and maintain county government solid waste operations without being subject to any planning regulations or zoning ordinances enacted under the provisions of Article 66B of the Annotated Code of Maryland.

It is the intent of the Board by this amendment to the Plan to delete any language which may indicate an intent on the part of the Board to be subject to any planning regulations or zoning ordinances or regulations which relate to the acquiring, constructing, operation and maintenance of solid waste systems.

The Frederick County Planning Commission held a public hearing on September 21, 2005. The Planning Commission voted 2 - 1 to certify that the text amendment is consistent with the County Comprehensive Plan.

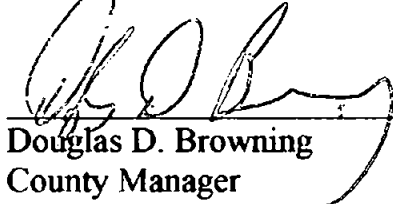
A public hearing was held by the Board of County Commissioners on this Ordinance on October 25, 2005. The public hearing before the Board of County Commissioners was duly advertised in the Frederick News Post, a newspaper of general circulation in Frederick County, on October 8, 2005 and October 15, 2005. The public had an opportunity to comment on this Ordinance at this public hearing.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that the Frederick County Solid Waste Management Plan be amended as shown on the attached Exhibit A, which is incorporated herein by reference.

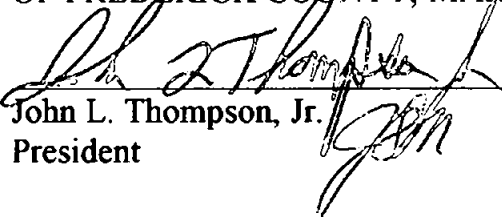
AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on November 4, 2005.

The undersigned hereby certifies that this Ordinance was approved and adopted on the 25th day of October, 2005.

ATTEST:

  
\_\_\_\_\_  
Douglas D. Browning  
County Manager

BOARD OF COUNTY COMMISSIONERS  
OF FREDERICK COUNTY, MARYLAND

  
\_\_\_\_\_  
John L. Thompson, Jr.  
President

## Exhibit A

### A. Solid Waste Management Plan 1998 – 2017

#### 1. Page 1-17:

The Frederick County Zoning Ordinance Sections 1-19-289, 325 and 404 provide zoning regulations for solid waste management facilities [which include rubblefills, sanitary landfills, transfer stations, recycling operations, and recycling pickup and distribution centers. The zoning ordinance also provides criteria for siting a landfill, including buffer zones and roadway access requirements.] A detailed description of zoning regulations for solid waste is presented in Table 2-3.

#### 2. Page 2-4:

[The following uses are permitted in a solid waste floating zone: rubblefill (A, GI only); county government incinerator; resource recovery facility – separated recyclables (GI only); and sludge-amended yard waste composting and solid waste composting (A, LI, GI). A resource recovery facility for separated recyclables (“clean MFR”) is not considered a processing facility and therefore, does not require an MDE permit. A resource recovery facility for non-separated recyclables (“dirty MFR”) requires and MDE permit for a processing facility.]

#### 3. Page 2-7:

[ County Government recycling dropoff centers may be located in all districts, subject to site plan approval.]

Recycling pickup and distribution centers may be located in districts zoned limited industrial and general industrial, subject to site plan approval.

[ County government rubblefills and County government sanitary landfills may be located in districts zoned as agricultural and general industrial, subject to site plan approval.]

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**CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

**[Brackets] indicate matter deleted from existing law.**

- Industrial waste landfills may be located in districts zoned as agricultural and general industrial by special exception, with site plan approval.
- [· County government solid waste transfer stations may be located in districts zoned agricultural (by special exception), limited industrial and general industrial, with site plan approval.]

4. Page 4-43

[ZONING REQUIREMENTS

As described in detail in Chapter 2, Frederick County's Zoning Ordinance provides zoning regulations for solid waste management facilities, including sanitary landfills, rubblefills, transfer stations, processing facilities, recycling operations, and recycling pickup and distribution centers. The zoning ordinance also provides criteria for siting a landfill, such as buffer zones and roadway access requirements.

The Zoning Ordinance will be modified as required to reflect the recommendations of this plan. This will include adding definitions of solid waste management facilities and modifying zoning classifications to conform with the intent of the siting criteria described in this chapter.]

B. Solid Waste Management Plan – Plan Update February 2003

1. Page 9:

[Construction and operation of a solid waste transfer station is also consistent with County Zoning ordinances governing siting of solid waste facilities.

County Zoning Ordinance 1-19-289 amended November 29, 1991 by County Ordinance 91-32-032 provides that:

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**CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**  
**[Brackets] indicate matter deleted from existing law.**

- County government rubblefills and County government sanitary landfills may be located in districts zoned as agricultural and general industrial, subject to site plan approval; and
- County government solid waste transfer stations may be located in districts zoned agricultural (by special exception), limited industrial and general industrial, with site plan approval.]

Page 10:

[Further, county government sanitary landfills and transfer stations are designated as principal permitted use subject to Site Development Plan approval. (See Sections 1-19-411 through 1-19-413). Therefore, construction and operation of a county government transfer station would be in conformance with the County Zoning and Land Use Regulations, subject to Site Development Plan Approval.]

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**CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**  
**[Brackets] indicate matter deleted from existing law.**